

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) CASE NO. CR04-128-MJP  
Plaintiff, )  
v. )  
BOBBY JOE DAVIS, ) SUMMARY REPORT OF U.S.  
Defendant. ) MAGISTRATE JUDGE AS TO  
 ) ALLEGED VIOLATIONS  
 ) OF SUPERVISED RELEASE

An evidentiary hearing on supervised release revocation in this case was scheduled before me on September 5 and 7, 2007. The United States was represented by AUSA J. Tate London, and the defendant by John W. Lundin. The proceedings were digitally recorded.

Defendant had been sentenced on or about January 14, 2005 by the Honorable Marsha J. Pechman on a charge of Making, Uttering, and Possessing False Counterfeit Securities and sentenced to 14 months custody, 3 years supervised release. (Dkt. 158 )

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from possessing any firearms, cooperate in collecting DNA, submit to mandatory drug testing, submit to search, pay restitution in the amount of \$86,200, provide financial information to his probation officer, including any business interests, disclose all assets

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE  
PAGE -1

01 and liabilities, allow inspection of his personal computer, not incur any new credit without  
02 permission, and not possess any forms of identification in any but his true identity. In an  
03 application dated February 15, 2007 (Dkt. 243), U.S. Probation Officer Calvin Bouma alleged the  
04 following violations of the conditions of supervised release:

05 1. Associating with a convicted felon, Melissa Scheldt, without permission on various  
06 dates during 2006, in violation of standard condition number 9.

07 2. Committing the crime of False Statements in violation of 18 U.S.C. § 1001, on or  
08 about July 3, 2006.

09 3. Committing the crime of False Statements in violation of 18 U.S.C. § 1001, on or  
10 about October 28, 2006.

11 4. Failing to disclose all assets and liabilities to the probation office, and transferring  
12 assets without consulting the probation office in violation of the special condition requiring him  
13 to disclose all assets and liabilities to the probation office, and requiring that he not transfer, sell,  
14 give away, or otherwise convey any asset, without first consulting the probation office.

15 On March 7, 2007, defendant's supervised release was modified to require residence in a  
16 halfway house for up to 180 days pending resolution of the alleged violations. (Dkt. 253.)

17 In an application dated April 12, 2007 (Dkt. 263), U.S. Probation Officer Calvin Bouma  
18 alleged the following additional violation of the conditions of supervised release, which was  
19 incorporated with the previously reported violations:

20 5. Associating with Willie Hughes, a convicted felon, on various dates since his  
21 release from custody in March of 2006, in violation of standard condition No. 9.

22 The modification of defendant's supervised release to require halfway house residence was

01 extended on August 30, 2007 for an additional 180 days. (Dkt. 266.)

02 A hearing was held on September 5 and 7, 2007 to address the five pending violations.  
03 Defendant was advised in full as to those charges and as to his constitutional rights. Defendant  
04 admitted alleged violations 1, 2, 3, and 4 and waived any evidentiary hearing as to whether they  
05 occurred. (Dkt. 268, 269.) The government moved to dismiss alleged violation 5. The parties  
06 agreed to jointly recommend that the proper disposition of the violations would be a sanction of  
07 one year. The parties agree that the government may argue that the one year sanction should be  
08 in custody, and the defendant may argue that he should be given a credit for the time spent in the  
09 halfway house toward the one year sanction.

10 I therefore recommend the Court find defendant violated his supervised release as alleged  
11 in violations 1, 2, 3, and 4 and that the Court conduct a hearing limited to the issue of disposition.  
12 I recommend that the Court dismiss violation 5. The next hearing will be set before Judge  
13 Pechman.

14 Pending a final determination by the Court, defendant has been released on the conditions  
15 of supervision, which include halfway house residence.

16 DATED this 7th day of September, 2007.

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18 \_\_\_\_\_  
19 Mary Alice Theiler  
20 United States Magistrate Judge

21 cc: District Judge: Honorable Marsha J. Pechman  
AUSA: J. Tate London  
Defendant's attorney: John W. Lundin  
Probation officer: Calvin Bouma  
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